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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

JACOB LEE SMITH,

Defendant.

MOTION TO SUPPRESS

Case No. 1:19-CR-6 JNP

Defendant Jacob Smith, through counsel, asks the court to suppress evidence seized in violation of the constitution after an evidentiary hearing on this motion pursuant to DUCrimR 12-1(e).

FACTS

On July 29, 2018, an Ogden police officer stopped the car that Defendant Jacob Smith was driving on suspicion that his passenger had just stolen some items from a grocery store. The officer told Mr. Smith and his passenger to remain in the car until other officers could arrive. When they arrived, the officer ordered Mr. Smith and his passenger out of the car.

Once Mr. Smith was out of the car, officers searched him for weapons. They removed a couple of pouches from his pants pockets and found drugs inside them. Following the discovery

of the drugs, officers then searched Mr. Smith's car and found a firearm in a locked duffle bag in the trunk.

EVIDENCE FOR WHICH SUPPRESSION IS SOUGHT

Mr. Smith asks the court to suppress the drugs and the firearm.

ISSUES RAISED

1. Did officers violate the Fourth Amendment when they searched Mr. Smith for weapons?
2. Did officers violate the Fourth Amendment when they searched the closed bags that were found in his pockets?
3. Did officers violate the Fourth Amendment when they searched the trunk of his car and opened the locked duffle bag?

STANDING

Mr. Smith has standing to challenge the search of his person and his belongings.

Pursuant to DUCrimR 12-1(e), Mr. Smith asks the court to strike the currently scheduled trial date and schedule an evidentiary hearing on this motion.

DATED this 3rd day of June, 2019.

/s/ Benjamin C. McMurray

BENJAMIN C. McMURRAY

Assistant Federal Public Defender